

CALFRESH (CF) PROGRAM

REQUEST FOR POLICY/REGULATION INTERPRETATION

INSTRUCTIONS: Complete items 1 - 10 on the form. Use a separate form for each policy interpretation request. If additional space is needed, please use the second page. Be sure to identify the additional discussion with the appropriate number and heading. Retain a copy of the CF 24 for your records.

- Questions from counties, including county Quality Control, must be submitted by the county CalFresh Coordinator and may be submitted directly to the CalFresh Policy analyst assigned responsibility for the county, with a copy directed to the appropriate CalFresh Policy unit manager.
- Questions from Administrative Law Judges may be submitted directly to the CalFresh Policy analyst assigned responsibility to the county where the hearing took place, with a copy of the form directed to the appropriate CalFresh Bureau unit manager.

1. RESPONSE NEEDED DUE TO: <input type="checkbox"/> Policy/Regulation Interpretation <input type="checkbox"/> QC <input type="checkbox"/> Fair Hearing <input type="checkbox"/> Other:	5. DATE OF REQUEST: 7/27/2015 NEED RESPONSE BY: asap
2. REQUESTOR NAME: Deborah Smaller, ALJ II Specialist	6. COUNTY/ORGANIZATION: Sonoma County
3. PHONE NO.: 619-521-8023	7. SUBJECT: rehearing request by county
4. REGULATION CITE(S): 63-802.12; 63-503; 63-301; 63-207, 40-181.1(a)	8. REFERENCES: (Include ACL/ACIN, court cases, etc. in references) NOTE: All requests must have a regulation cite(s) and/or a reference(s). ACL 03-18

9. QUESTION: (INCLUDE SCENARIO IF NEEDED FOR CLARITY):

The county filed a rehearing request (request is attached to email) disputing the judge's determination that it must pay Calfresh benefits for the period of December 11, 2012 through December 10, 2013. It is undisputed that the claimant applied for CF bs on December 23, 2013, and sent the claimant a NOA on Dec 24, 2013 that his application had been approved for \$10.00 in Dec and increased to \$15 in Jan 2014. The claimant did not request a state hearing until Jan 15, 2015. The decision includes factual findings that the claimant testified he didn't get the NOA, and that it did not include the claimant's apt #. however, there is no finding that the claimant did not receive the NOA and, therefore, there is jurisdiction to review the merits. Aside from the jurisdictional issue, the judge determined that the county had knowledge of the fact that the claimant was receiving SSDI, not SSI/SSP benefits, that it had a responsibility to assist the claimant in obtaining the benefits he was entitled to, that it failed to do this, and, therefore, the county must restore the bs that the claimant lost going back one year pursuant to 63-802.12. The county disputes the judge's interpretation and application of this regulation.

10. REQUESTOR'S PROPOSED ANSWER:

Re the jurisdictional issue, it does appear that the claimant's address on the county's 12/24/2014 NOA approving CF bs is different from the NOAs it sent in 2014 and 2015 in two respects: 1. It doesn't have an apt no., and 2. the zip code is different. So, even though there is no finding and jurisdictional determination, a rehearing would not be recommended for this purpose.

Re the ruling on the merits, the central question is whether the judge's interpretation and application of 63-802.12, ordering the county to pay benefits that precede the application date, is correct. It is this reviewer's understanding that the regulation was not intended to be used for a restoration of benefits that precedes the application date. Related to this, it is this reviewer's understanding that, notwithstanding the fact that case law has determined that equitable estoppel cannot be applied to the CF Program, 63-802.12 cannot be applied in the manner applied in this case as a way to correct an administrative error.

11. STATE POLICY RESPONSE (CFPB USE ONLY):

CDSS concurs with the ALJ's decision.

FOR CDSS USE

DATE RECEIVED: July 27, 2015	DATE RESPONDED TO COUNTY/ALJ: August 11, 2015
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CALFRESH (CF) PROGRAM REQUEST FOR POLICY/REGULATION INTERPRETATION (Continued)

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